IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION Nos. 1365 & 4053 of 2004

WRIT PETITION No. 1365 of 2004

Between:

N.Shiva Shankar Goud, S/o.Late Atchaiah,
R/o.Taramatipet Village, Hayathnagar Mandal,
Hyderabad RR Dist.

..... PETITIONER

AND

1. State of Andhra Pradesh,rep.by its Secretary, Endowments Department,Govt.of A.P.,Hyderabad.
2. Regional Joint Commissioner, Multi Zone III, Endowments Department, Govt.of A.P.,Tilak Road, Hyderabad.
3. Assistant Commissioner, Endowments Department,RR Dist.Govt.of A.P., Barakatpura, Hyderabad.
4. A.Veerappa, S/o.Chittari, R/o.Taramatipet Village, Hayatnagar Mandal,RR Dist.
5. Ch.Shankar, S/o.Bikshapathi, R/o.Taramatipet Village, Hayatnagar Mandal,RR Dist.
6. Smt.M.Lakshminarasimhamma, W/o.Shankaraiah, R/o.Taramatipet Village, Hayatnagar Mandal, RR Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, direction or order, particularly one in the nature of Mandamus declaring

the action of the first respondent herein in not granting suspension of the operation of the proceedings of the third respondent in C/3109/03 dated 3-1-2004 pending the Revision before him as illegally and consequently direct the first respondent to initiate proceedings afresh to the Board to Trustees of the temple of Sri Mahankali Temple, situated at Taramatipet Village, Hayathnagar Mandal,Hyderabad RR Dist.

Counsel for the Petitioner: MR.R.V.SUBBA RAO

Counsel for the Respondent Nos. 1 to 3 : GP FOR ENDOWMENTS

Counsel for the Respondents 4 to 6 : None appeared.

WRIT PETITION No. 4053 of 2004

Between:

N.Shiva Shankar Goud, S/o.Late Atchaiah,
R/o.Taramatipet Village, Hayathnagar Mandal,Hyderabad,
RR Dist.

..... PETITIONER

AND

1. State of A.P.,rep.by the Secretary,Endowments Dept., Govt.of

A.P.,Hyderabad.

2 Regional Joint Commissioner, Multi Zone III,Endowments

Department, Govt.of A.P.,Tilak Road, Hyderabad.

3 Assistant Commissioner, Endowments Department, RR Dist. Govt.of

A.P.Barakatpura, Hyderabad.

4 V.Rajkumar Goud, S/o.Peddaiah,
R/o.Taramatipet Village, Hayathnagar,
RR Dist.Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, direction or order, particularly one in the nature of Mandamus declaring the action of the first respondent herein in not granting stay of the operation of the proceedings of the second respondent dated 24-2-2004 in I.A.No.4/2004 in R.P.No.3/2004 of his file, pending the Revision petition, as illegal and consequently direct the first respondent to take up the Revision petition and also the Interlocutory Applicaiton filed by the petitioner on 28-2-2004..

Counsel for the Petitioner: MR.R.V.SUBBA RAO

Counsel for the Respondent Nos.1 to 3 : GP FOR ENDOWMENTS

Counsel for the Respondent No.4 : Mr.Kalyan Rao Joshi

The Court made the following :

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NOs : 1365 & 4053 of 2004

COMMON ORDER:

Since the point that falls for consideration in both the writ petitions is one and the same, they are heard together and disposed of by this common order.

Writ petitioners in both the petitions claimed to have developed Sri Mahankali Temple, which was not being properly maintained, and have been offering daily poojas, Nitya Dhoopa Deepa Naivedyam to the deity.

While so, the Assistant Commissioner of Endowments-3rd respondent, constituted a Board of Trustee with five members as non-hereditary trustees. Questioning the same, the petitioner filed Revision Petition No.3 of 2004 before

the 2nd respondent. During the pendency of the revision petition he filed an application I.A.No.4 of 2004, in which he sought to stay the operation of the appointment of the non-hereditary Trust Board, appointed in proceedings No.C/3109/03 dated 03-01-2004. The said I.A. was disposed of on 08-01-2004 and accordingly, the respondent Nos.3 and 7, namely, V.Rajkumar Goud and G.Balaiah restrained from taking oath of office and secrecy as trustees to Sri Mahankali Temple and accordingly respondent Nos.1 and 2, namely, Assistant Commissioner and Inspector of Endowments were directed not to administer the oath of office and secrecy to the respondent Nos. 3 and 7 as trustees. The petitioner carried the matter in revision before the Minister for Endowments and since no orders were passed on the stay application filed along with the revision petition, the petitioner filed W.P.No.1365 of 2004.

While so, by the order dated 08-01-2004 the Regional Joint Commissioner, Endowments Department in I.A.No.4 of 2004 in R.P.No.3 of 2004, vacated the stay granted earlier, restraining to administer the oath of office and secrecy. Questioning the same W.P.No.4053 of 2004 is filed in which this Court suspended the said order.

In view of the same, respondent No.4 who filed the counter and vacate stay petition to vacate the said suspension order states that he has already taken oath of office and secrecy on 24-02-2004 administered by the 3rd respondent and continue as trustees of the temple since the said date.

Having regard to the fact that the revision petition is now pending before the Regional Joint Commissioner and it is directed to be posted for hearing on 28th March while vacating the stay, interest of justice will be met if the Joint Commissioner of Endowments is directed to dispose of the revision petition as expeditiously as possible.

Accordingly, the 2nd respondent-Regional Joint Commissioner is hereby directed to dispose of the said revision petition No.3 of 2004 after issuing notice to the parties within a period of three months from the date of receipt of a copy of this order.

The writ petitions are accordingly disposed of. No costs.

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kvr 14th July, 2004

To

1. The Secretary, State of Andhra Pradesh, Endowments Department,Govt.of A.P.,Hyderabad.
2 Regional Joint Commissioner, Multi Zone III, Endowments Department, Govt.of A.P.,Tilak Road, Hyderabad.
3 Assistant Commissioner, Endowments Department,RR Dist.Govt.of A.P., Barakatpura, Hyderabad.
4. Two C.Cs to the G.P. for Endowments, AP High Court Buildings, High Court of A.P., Hyderabad. (O.U.T.)

5 Two C.D.Copies.